

# McNamara Declaration

## Exhibit 175

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**From:** Mary Rasenberger  
**Sent:** Sunday, April 26, 2020 2:34 PM EDT  
**To:** [REDACTED]@archive.org  
**CC:** DOUGLAS PRESTON  
**Subject:** RE: Meeting

Thanks for getting back to me Brewster. I sincerely hope you and your family are doing alright.

That is fine if you do not want to speak again, but hear me out first. I was responding to your friend Katie Hafner who suggested we speak and thought we could have a productive conversation. And I was reminded yesterday because NWU said that they are setting up a call with you and the coalition they have formed on CDL. One of our staff or I will likely listen in, but I don't know how productive it will be since it will be led by NWU who tend toward copyright maximalism, which is not true of the AG under my leadership. My goal as ED of the AG with respect to copyright is simple - to make sure authors who want compensation for use of their works are sufficiently compensated in one form or another, so they can keep on writing—and at the same time that they have access to others' works. For instance, we support an extended collective licensing scheme that would include all writers unless they opt out and pay them the writers micro fees for the use of their work. That would be a good way to get some of the money you have received from major foundations back into authors' hands.

Many authors whose books you have in OL really and truly are suffering terribly right now – and many were prior to the COVID crisis. Your staff earns tenfold what many of them earn. Sometimes I think you don't believe us on that point, but it is sadly all too true. I cannot overemphasize it enough. If you could find it in your heart to direct some of the many millions you have for the project back into the authors' hands, we could work with you to make that happen.

For the record, the call you and I had was with our then-president Jim Gleick and you had your lawyer present. There was no deposition-like questioning. You kept saying you wanted to support authors and we were asking questions in good faith to try to understand what you meant. We went into the call thinking that you were really interested in licensing works from authors and helping put more money into authors' pockets, and kept asking questions to get at what you meant. But, after additional correspondence with you, we sadly had to conclude that it was all smoke and mirrors. You are very good at making it sound like you are doing good, and I believe you honestly mean to. But then why not actually do good and show respect for authors by recognizing their rights? I know there are some authors – almost all academic, with the exception of one or two evangelists – who want their books given away by OL, and that is great. They can allow you to do so. Many more authors like OL for research, and it would be a great service, if it were licensed and allowed those who want to be compensated to receive micro payments for when their books are lent out, or payment for inclusion of their books in OL.

We had worked out a model that would allow libraries and others to do what OL is doing, but on a licensed basis – with respect to books authors own rights to. We can help clear those rights. We needed minimal funding for it, and Jim and I had approached you with the idea that you would work with us in good faith and help set that up and use it instead of ignoring authors' rights and welfare. We would still like to pursue that.

All the best,  
Mary

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**From:** Brewster Kahle [REDACTED]  
**Sent:** Saturday, April 25, 2020 12:16 AM  
**To:** Mary Rasenberger [REDACTED]@authorsguild.org>  
**Subject:** Re: Meeting

Mary--

We talked before, and I felt deposed by a lawyer, which you are, and therefore not a good idea for layman (and against some lawyer ethics rules as I understand it); and so I talked with multiple of your board members with no apparent effect.

We are actively working with others and are making great progress. Wish us all luck, we are all trying to get a digital world that works for everyone.

Be safe in these crazy times,

-brewster

On 4/24/20 10:55 AM, Mary Rasenberger wrote:

Hi Brewster, I am following up on my email from the 2<sup>nd</sup> about setting up a time to talk.

Best,  
Mary

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**From:** Mary Rasenberger  
**Sent:** Thursday, April 2, 2020 1:19 PM  
**To:** [REDACTED]@archive.org  
**Cc:** DOUGLAS PRESTON [REDACTED]@me.com>; Katie Hafner [REDACTED]  
**Subject:** Meeting

Dear Brewster,

Katie Hafner (copied) suggested that we set up a time to talk, which we would be happy to do. I suggest a video meeting. I can set up a zoom. Please let us know what times would work for you.

Also, I was meaning to email this morning anyway to dispel any rumors you have heard that the Authors Guild is planning to bring suit. The Guild is not; we cannot possibly afford a litigation. We

were financially stressed as you know before COVID-19 and having to cancel our gala means a loss of over a quarter of the revenue in our budget. We are instead addressing this bold infringement by letting authors know how they can request IA take their books down, and we hope to appeal to your decency in asking you to shut this ill-planned (even if well-intended) initiative down. There are plenty of other sources for books for students and teachers right now. We can help you point people to them.

I look forward to hearing back from you.

All the best,

Mary

Mary E. Rasenberger

Executive Director

The Authors Guild

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